

EXHIBIT C

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN VIDEO PROCESSING DEVICES,
COMPONENTS THEREOF, AND DIGITAL
SMART TELEVISIONS CONTAINING THE
SAME**

Inv. No. 337-TA-1222

**ORDER NO. 11: ADOPTING A PROCEDURAL SCHEDULE, EXHIBIT A,
WITH A DEADLINE FOR FILING MOTIONS TO COMPEL
OF NO LATER THAN FEBRUARY 5, 2021**

(November 10, 2020)

On November 6, 2020, the Parties to this Investigation submitted a “Joint Proposed Procedural Schedule” in which the Parties filled in certain dates in a proposed schedule that was attached as Attachment A to Order No. 4. (Order No. 4 (Oct. 27, 2020).). In their Joint Proposed Procedural Schedule, Exhibit A, the Parties agreed upon all of the discretionary dates that were left to them to decide upon except for one date: the deadline for the Parties to file Motions to Compel. (Joint Proposed Procedural Schedule at 2, 3; Ex. A.).

Complainant proposed a deadline date for Motions to Compel of no later than February 12, 2021 while Respondents proposed a deadline date of no later than February 5, 2021. (*Id.*; Ex. A at 3.). Respondents explained that Complainant’s proposed deadline poses a problem for many of Respondents who celebrate the Lunar New Year holiday. (Joint Proposed Procedural Schedule at 3.). Depending upon the country, Lunar New Year falls between February 8, 2021 and February 17, 2021. (*Id.*). While Complainant’s proposal otherwise might be reasonable, the problem for many of Respondents is obvious: Complainant’s proposed deadline could interfere with many of the Respondents’ celebration of the Lunar New Year (dates vary by country).

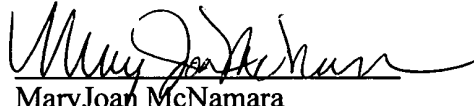
Accordingly, I am adopting Respondents' proposed date of no later than February 5, 2021 for the Parties to file Motions to Compel. (*See* Ex. A hereto, Adopted Procedural Schedule.).

The other dates the Parties agreed upon appear to be reasonable and are adopted as part of the Adopted Procedural Schedule, Exhibit A hereto, that will apply unless there is a modification.

There may be another issue, depending upon one's interpretation of the Parties' Joint Proposed Procedural Schedule discussion. That is the Parties' agreement, or seeming lack thereof, on a schedule for making witnesses available for depositions.

It is advisable that the Parties reach an agreement on a deposition schedule and the completion of depositions well before the deadline for Motions to Compel. Later depositions are better left to exigency and leave.

SO ORDERED.


MaryJoan McNamara
Administrative Law Judge

Inv. No. 337-TA-1222, Order No. 11
 Adopted Procedural Schedule & Dates

EXHIBIT A TO ORDER NO. 11

Inv. No. 337-TA-1222

ADOPTED PROCEDURAL SCHEDULE

Event	Date(s)
Parties File their Proposed Procedural Schedule and Identify USPTO/PTO Proceedings as well as State and Federal Litigation that is relevant to this Investigation	<u>November 2, 2020</u>
Deadline for Propounding First Set of Interrogatories (All Parties)	October 23, 2020 (Completed)
Deadline for Propounding First Request for Production of Documents (All Parties. Must be same date as for First Set of Interrogatories)	October 23, 2020 (Completed)
Deadline for Respondents' Objections and Responses to Complainant's First Set of Interrogatories and Request for Production of Documents (Must be the same date as Complainant's due date)	November 4, 2020 (unless extended) ¹
Deadline for Complainant's Objections and Responses to Respondents' First Joint Set of Interrogatories and Request for Production of Documents	November 4, 2020 (unless extended)
Complainant Files Notice of Patent Priority Dates/Dates of Conception	November 12, 2020
Deadline for Propounding Initial Contention Interrogatories	November 23, 2020
File Identification of Expert Witnesses, which should include a statement of their Expertise in the subject matter together with Curriculum Vitae	December 2, 2020
Discovery Management Teleconference	<u>December 3, 2020 at 2:00 pm</u>

¹ Complainant and the Samsung Respondents agreed that the deadline for Samsung's Objections and Responses to Complainant's First Set of Interrogatories and Requests for Production of Documents will be November 9, 2020.

Event	Date(s)
Deadline for Disclosure of Domestic Industry Products	December 9, 2020
Parties Exchange List of Patent Claim Terms for Construction	December 9, 2020
Deadline for completion of First Settlement Conference and Submission of First Joint Settlement Conference Report	<u>By December 20, 2020</u>
Complainant and Respondents Provide Each Other with Their Proposed Construction of Disputed Claim Terms	December 23, 2020
Parties Meet and Confer to Attempt to Limit Claim Terms and Claim Term Disputes	January 6, 2021
Respondents File Notice of Prior Art	January 8, 2021
Parties to Exchange Proposed <i>Markman</i> Exhibit Lists and Exhibits (Except for Expert Declarations and Demonstratives) (Per Ground Rule 1.14.3.1)	January 8, 2021
File Joint Claim Construction Chart	<u>January 12, 2021</u>
File Tentative List of Witnesses a Party Will Call to Testify at the Evidentiary Hearing, with an Identification of Each Witness's Relationship to the Party	January 13, 2021
Deadline for Initial Disclosure of Invalidity Contentions. Parties to seasonably supplement initial responses according to the rules.	January 15, 2021
Deadline for Initial Disclosure of Infringement Contentions. Parties to seasonably supplement initial responses according to the rules.	January 15, 2021
Deadline for Initial Disclosure of Domestic Industry Contentions. Parties to seasonably supplement initial responses according to the rules.	January 15, 2021
Parties File a Joint List Showing Each Party's Proposed Construction of Disputed Claim Terms, with Initial Claim Construction Briefs by All Parties Explaining Their Initial Claim Constructions and Expert Declarations (If Applicable)	<u>January 19, 2021</u>
Deadline to File <i>Markman</i> Hearing Proposals (Including Final Proposed <i>Markman</i> Exhibit Lists)	<u>January 19, 2021</u>

Event	Date(s)
Discovery Management Teleconference	<u>January 21, 2021 at 2:00 p.m.</u>
Deadline for Preliminarily Responding to Contention Interrogatories on which a party bears the burden of proof (other than invalidity, infringement, and domestic industry). Parties to seasonably supplement initial responses according to the rules.	January 22, 2021
Technology Stipulation Deadline	February 4, 2021
Deadline for Initial Responses to Contention Interrogatories for Which the Receiving Party Does Not Bear the Burden of Proof. Parties to seasonably supplement initial responses according to the rules.	February 5, 2021
<i>Markman</i> Hearing (If Ordered) (Parties Should Provide Thumb Drive of Tutorials if Included in <i>Markman</i> Hearing and the Pandemic Evacuation is Over; Otherwise as Described in Order)	<u>Week of February 8, 2021</u>
Last Day to File Motions to Compel Discovery (At Least Three (3) Weeks Before the Close of Discovery Without Leave and Explanation Why A Motion Was Not Filed Earlier)	February 5, 2021
File Joint Chart Setting Forth Parties' Post-Hearing Claim Constructions (Per Ground Rule 1.14)	<u>February 16, 2021</u>
Fact Discovery Cutoff and Completion	March 5, 2021
Exchange of Initial Expert Reports (Identify Tests/Surveys/Data) (Send copies to McNamara337@usitc.gov)	March 12, 2021
Attendance at One-day Mediation Session'	March 19, 2021
Exchange of Rebuttal Expert Reports (Send copies to McNamara337@usitc.gov)	March 26, 2021
Expert Discovery Cutoff and Completion	April 9, 2021

Event	Date(s)
Parties Exchange Hearing Exhibit Lists (Most likely, Tentative)	April 16, 2021
Complainant and Respondents File Pre-Hearing Statements and Briefs	<u>April 22, 2021</u>
File Motions for Receipt of Evidence Without a Witness	April 26, 2021
Submission of Mediation Report	<u>(Within 7 days of Mediation)</u>
Last Day to File Summary Determination Motions²	<u>April 29, 2021</u>
Parties file Joint Outline of Issues/Contentions from Pre-Hearing Briefs (Per Ground Rule 7.3)	April 29, 2021
Submission of Declarations Justifying Confidentiality of Exhibits	May 4, 2021
Last day to file Motions <i>in Limine</i>	<u>May 5, 2021</u>
Last day to file High Priority Objections	<u>May 5, 2021</u>
File Responses to Motions <i>in Limine</i>	<u>May 12, 2021</u>
File Responses to High Priority Objections	<u>May 12, 2021</u>
File on EDIS any Stipulations Regarding Exchange of Demonstratives for Evidentiary Hearing and Any Other Stipulations Into Which the Parties Enter	<u>June 15, 2021</u>
Pre-Hearing Conference	<u>July 7, 2021</u>
Evidentiary Hearing (Starting with Tutorials, as Parties Propose)(June dates should be reserved)	<u>9:30 a.m., July 7-9, 12-15, 2021</u>
Last Day to Submit Final Exhibits, by Appointment. All Exhibits Should be Properly Labeled. (Follow the Ground Rules)	<u>No more than four (4) business days after hearing</u>

Event	Date(s)
Complainant and Respondents File Initial Post-Hearing Briefs (Only On Issues For Which The Party Bears The Burden Of Proof) and Final Exhibit Lists	<u>July 30, 2021</u>
Submit Final JOINT Direct and Rebuttal Exhibits (via Flash Drive)	<u>July 30, 2021</u>
Complainant and Respondents File Reply Post-Hearing Briefs (Only On Issues Discussed In The Initial Post-Hearing Brief of an Opposing Party)	<u>August 6, 2021</u>
Parties File Outline of Issues, Tracing Arguments/Contentions from Pre-Hearing Through Post-Hearing Reply Briefs (Include Contentions/Arguments That Have Been Dropped, Per Ground Rule 7.3)	<u>August 10, 2021</u>
Final ID due	<u>December 3, 2021</u>
Target Date	<u>April 4, 2022</u>

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CONTAINING THE SAME**

Inv. No. 337-TA-1222

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served upon the following parties as indicated, on **November 10, 2020**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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Washington, DC 20436

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Certificate of Service – Page 2

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